REMARKS

Applicants' attorney thanks the Examiner for his time and courtesy during their telephone conversation on December 2, 2004 regarding his interpretation of a reference, USP 6,429,773.

In his Office Action the Examiner rejected all of the 24 pending claims, variously under 35 USC 102(e) and 35 USC 103(a) in view of one or more of the following U.S. patents: 6,429,773 to Schuyler (Schuyler); 5,917,405 to Joao (Joao); 6,754,485 to Obradovich et al. (Obradovich); and 6,665,537 to Lioy (Lioy). Schuyler is the primary reference.

The present invention relates to notifying the owner, or designee, of a vehicle upon receipt of a third party initiated contact. Applicants' independent claims 1, 4 and 9 use 'receipt of an external message' to describe a third party initiated contact. Independent claims 12 and 22 refer to 'a first client.' It is Applicants' intent that these phrases, in claim context, convey the concept of message origination outside of the vehicle. Very simply stated, the vehicle on board computer relays a third party message to the remote vehicle owner. (Summary of the Invention page 2, lines 12 -15)

All independent claims stand rejected in view of Schuyler alone or in combination with Joao. With regard to claims 1, 4 and 9 the Examiner asserts Schuyler for showing, among other features, "detecting receipt of an external message" when it teaches in column 4 having the owner check on vehicle functions. Similarly, the Examiner uses column 5 for teaching "forwarding a message ... to an owner ... ."

The Examiner uses Schuyler and Joao to reject claims 12 and 22, Joao being asserted for teaching a remote owner communicating by phone or IP address with a vehicle to determine vehicle conditions and thereafter having that data transmitted back to the owner or to a third party.

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Applicants, however, regard Schuyler and Joao as exemplary of the state of the prior art applicants had reference to in their Description of the Prior Art at page 2, lines 2 - 5. In other words, applicants concede that it is old for vehicles to be equipped with means to detect certain conditions and report same to a remote owner or to a third party. Applicants have recognized a need "to allow third parties, unrelated to the vehicle manufacturer or owner, to contact the owner in real time." (page 2, lines 7 - 9) What is not found in the prior art submitted by Applicants or cited and applied by the Examiner is the feature of a third party using an onboard vehicle computer to communicate with the owner of that vehicle.

Applicants traverse the rejections of claims 1 - 24 because they disagree with the Examiner's application of Schuyler. Schuyler discloses the owner as the only external source of communication transmitted to a vehicle. Specifically, a vehicle owner uses the Internet to link to the vehicle for monitoring vehicle status, reading statistics and interrogating sensors. In the portions of Schuyler applied by the Examiner, there is no disclosure or suggestion of a third party initiating contact with the vehicle. To force the disclosure of Schuyler to read on Applicants' claims 1, 4 and 9 results in a sensible method only if "external" is viewed to mean internal to the vehicle but separate from the onboard vehicle client. That is, to interpret "external" as the Examiner has done means taking the description of Fig. 2 column 5, lines 38 - 49 to mean that Schuyler's unsolicited event detection and notification (Fig. 2, 45) whereby communication is initiated from the vehicle to the owner is the same as Applicants' external message being detected by their onboard computer.

With regard to claims 12 and 22, Applicants recite three clients. Applicants refer to the source of the external message, the onboard computer and the remote owner. Applicants understand that limitations found in the specification are not to read into the claims during examination. Applicants submit, however, that totally ignoring the specification when applying the prior art to the claims might lead to peculiar results. In the case of claims 12 and 22, attempting to equate the present invention as described therein with Schuyler's teaching in combination with Joao does not lead to the result intended in

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Applicants' claims. The combination of Schuyler and Joao discloses only owner originated communication with the vehicle and transmission of vehicle condition back to the owner or a third party. If the Examiner's intent is that the prior art's owner is Applicants' first client, then the rejection of claim 16 is inconsistent with the Examiner's position. As claim 22 is the method analog of claim 12, the inconsistency of the rejection continues.

Schuyler does in column 11, lines 17 - 21 mention a possible embodiment of the business method, described earlier, involving detection of a maintenance event by a third party polling vehicles equipped in accordance with his invention. Such a suggestion neither anticipates nor renders obvious the present invention. The present invention, unlike the prior art, is not necessarily concerned with maintenance events. Further the present invention pertains to communication initiated by a third party unconnected with the manufacturer or owner. The amendments proposed herein to the claims make that distinction quite clear. Attached hereto is a marked-up version of the changes made to the claims. The attached pages are captioned "Version with Markings to Show Changes Made."

Applicants describe the same invention in each of their independent claims. Each defines the inventive contribution of providing either a method, method or program product for enabling a third party to initiate communication with a vehicle owner through the vehicle. In claims 1, 4 and 9 the third party initiator is represented by "external." In claims 12 and 22 the first client is the external, third party communication initiator.
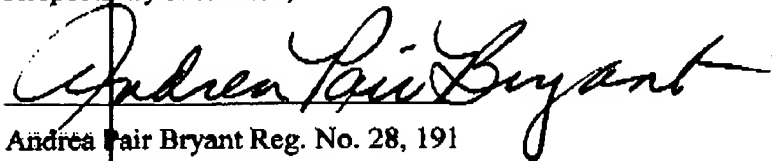
Applicants have amended claims 1, 4 and 9 by inserting language after the first occurrence of 'external' to reflect the above mentioned unconnected nature thereof so as to remove any lack of clarity in the nature of their invention as described in those claims as well as those depending therefrom. In a similar fashion Applicants propose language to be inserted in claims 12 and 22 to clearly state this 'unconnectedness' feature of the first client from the second and third.

The changes are believed to introduce no new matter. Further, Applicants believe the claims to be in condition for allowance.

Respectfully submitted,

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VERSION WITH MARKING TO SHOW CHANGES MADE

In the Claims

Claims 1, 4, 9, 12 and 22 have been amended as follows:

1. (Amended) A computer implemented method of instantly alerting a remotely located vehicle owner of a situation requiring owner intervention comprising the steps of:

detecting receipt of an external message <u>from a source unrelated to said owner</u> to an IP address of an onboard vehicle client;

in response to said detecting, causing said onboard vehicle client to locate an IP address supplied by said owner; and

forwarding said external message to said owner IP address.

4. (Amended) An information handling system for instantly alerting a remotely located vehicle owner of a situation requiring owner intervention comprising:

means for detecting receipt of an external message <u>from a source unrelated to said owner to</u> an IP address of an onboard vehicle client;

means, active in response to said means for detecting, for causing said onboard vehicle client to locate an IP address supplied by said owner; and

means for forwarding said external message to said owner IP address.

9. (Amended) A computer program product for instantly alerting a remotely located vehicle owner of a situation requiring owner intervention comprising:

means for detecting receipt of an external message <u>from a source unrelated to said owner to</u> an IP address of an onboard vehicle client;

means, active in response to said means for detecting, for causing said onboard vehicle client to locate an address supplied by said owner; and

means for forwarding said external message to said owner address.

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12. (Amended) An information handling system including a plurality of Internet enabled, unrelated clients and a vehicle alert server, said server comprising:

    means for detecting transmission of a message from a first client addressed to a second client;

    means for determining from said second client an address for said third client; and

    means for sending said message to said third client.

22.   A method implemented in an information handling system including a plurality of Internet enabled, unrelated clients and a vehicle alert server, comprising:

    detecting transmission of a message from a first client addressed to a second client;

    determining from said second client an address for a third client; and

    sending said message to said third client.